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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,178	10/14/2004	Michael Weiler	081276-1032-00	1993
<div>34044      7590      10/18/2007</div> <div>MICHAEL BEST &amp; FRIEDRICH LLP</div> <div>100 EAST WISCONSIN AVENUE</div> <div>MILWAUKEE, WI 53202</div>				
			EXAMINER	
			GRAHAM, GARY K	
			ART UNIT	PAPER NUMBER
			3723	
			MAIL DATE	DELIVERY MODE
			10/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/511,178

Applicant(s)

WEILER ET AL.

Examiner

Gary K. Graham

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3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 October 2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Couch et al (GB patent 2,338,772).

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The patent to Couch discloses the invention as is claimed (figs. 2,3), including a wiper arm having a fastening part (1) attachable to an end area of a shaft. The fastening part has a non-tapered opening (4) therethrough defined by an inner surface of the fastening part. A symmetrical (at at least one diameter), annular reinforcing element (5) passes through the opening and has a non-tapered outer surface that engages the inner surface. The reinforcing element is tightly enclosed, at least as far as understood, by the fastening part from the outside. The reinforcing element opposite ends do not engage the fastening part as claimed, see figure 3. The reinforcing element has a “smooth”, conical aperture therethrough and is attachable to a shaft end area which is conical (not shown but disclosed). The reinforcing element is the sole part between the fastening part and the shaft.

With respect to claim 34, note figure 3 wherein the bottom of the reinforcing element, after passing through the opening (4), defines a flange that engages under the fastening part (1).

With respect to claim 40, the inner and outer surfaces are at least partially polygonal in view of the notch (6) and corresponding ear that fits therein.

With respect to claim 43, it appears the reinforcing element of Couch can be axially caulked. Nothing would prohibit such.

With respect to claim 44, Couch discloses that the insert member can be shaped from metal or plastics (page 2). Thus, Couch discloses the claimed structure. How the ring is made, whether it be turned, die cast, molded, etc, does not distinguish from Couch. Such relates to the particular method of manufacture and does not act to distinguish in the product claims.

With respect to claim 45, such does not distinguish from Couch. The ring or insert of Couch is capable of being injection molded around. Nothing would prohibit such. Such does not appear to define any particular structure not disclosed by Couch.

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With respect to claim 46, as there is at least one diameter about which the reinforcing element is symmetrical, such meets the limitation of symmetrical on "any" diameter. Note that any does not mean all or every possible.

### ***Response to Arguments***

Applicant's arguments filed 04 October 2007 have been fully considered but they are not persuasive. Applicant sets forth that new claims 33 and 47 include several limitations that were not present in previous claim 1 and that these limitations have been added to define over the references cited by the Examiner. However, applicant does not specify which limitations he feels particularly distinguish from the applied references. As set forth above, it appears Couch still meets the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'G. K. Graham', with a stylized, sweeping flourish at the end.

Gary K Graham  
Primary Examiner  
Art Unit 3723

GKG  
12 October 2007